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Chairman: Mr. Tulbure ..... (Moldova)

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The meeting was called to order at 3.05 p.m.

Agenda item 108: Measures to eliminate international terrorism (A/62/37, A/62/160 and A/62/291)

1. **The Chairman**, noting that the International Convention for the Suppression of Acts of Nuclear Terrorism had entered into force on 7 July 2007, said that by completing the draft comprehensive convention on international terrorism, as called for in the United Nations Global Counter-Terrorism Strategy, the Committee could make an important contribution to the legal framework for combating international terrorism.

2. **Mr. Perera** (Sri Lanka), Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, introducing the Ad Hoc Committee's report (A/62/37), said that the Ad Hoc Committee had held its eleventh session in February 2007 and had held two plenary meetings and three rounds of informal consultations, in addition to informal contacts, on the draft comprehensive convention on international terrorism. It had also held a round of informal consultations on the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

3. Delegations had reiterated the importance of an early conclusion of the draft comprehensive convention and of preserving the integrity of the bulk of the text, on which there seemed to be substantial agreement. There was a general sense that a solution to the outstanding issues continued to revolve around draft article 18. The Coordinator of the draft comprehensive convention during the eleventh session had presented a text that sought to capture the different concerns raised, and delegations had expressed interest. He hoped that the intersessional contacts held since February had generated the necessary momentum for a positive result.

4. It was important not to lose sight of the aim of the endeavour, which was to conclude a criminal law enforcement instrument and thereby provide an effective legal framework for enhanced international cooperation in combating terrorism. He urged the Committee to seize the opportunity to discharge its obligations as the principal norm-creating body of the Organization by delivering a finalized text to the General Assembly and thus meet the expectations of the international community.

5. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), encouraged Member States to step up cooperation in implementing the action plans contained and the measures identified in the United Nations Global Counter-Terrorism Strategy and to ensure the successful conclusion of the draft comprehensive convention on international terrorism.

6. Although the draft convention had yet to enter into force, measures for implementing it were already under discussion. At a meeting held in Vientiane, Lao People's Democratic Republic, on 28 June 2007, the ASEAN Senior Officials Meeting on Transnational Crime Working Group on Counter-Terrorism had accepted responsibility for monitoring and reviewing implementation of the draft convention following its adoption. An expert working group had been established in order to develop an ASEAN comprehensive plan of action for implementation, and a workshop on facilitating the instrument's entry into force would be held in Indonesia during the current month.

7. ASEAN also cooperated with countries of other regions in combating terrorism. In May 2007, members of its Regional Forum (ARF) had convened in Singapore at the Fifth Inter-Sessional Meeting on Counter-Terrorism and Transnational Crimes. With its theme of inter-civilizational dialogue, the Meeting had brought government officials together to discuss ways of promoting such dialogue in order to enhance the international counter-terrorism effort, thereby complementing the implementation of Security Council resolution 1624 (2005). The participants had made a number of recommendations and drafted a Statement on Promotion of Inter-Civilizational Dialogue. At a Ministerial Meeting held in the Philippines on 2 August 2007, the Ministers for Foreign Affairs of the ASEAN States had adopted that Statement and had endorsed the ARF Cooperation Framework on Counter-Terrorism and Transnational Crimes, a compilation of previously agreed commitments in those areas.

8. In implementation of the ASEAN-Japan Joint Declaration for Cooperation in the Fight against International Terrorism (2004), the ASEAN countries and Japan had been conducting counter-terrorism

dialogues in order to identify areas for capacity-building cooperation, most recently in Kuala Lumpur on 10 and 11 September 2007.

9. Speaking as the representative of Viet Nam, he said that from 27 to 31 August 2007, the Executive Directorate of the Counter-Terrorism Committee (CTED), had visited Viet Nam in order to monitor the implementation of Security Council resolutions 1373 (2001) and 1624 (2005). In its preliminary conclusions on the visit, the Counter-Terrorism Committee had commended Viet Nam for its commitment to combating terrorism and willingness to cooperate with the United Nations and had recognized the Government's efforts to improve its legal and institutional framework through its national judicial reform strategy and operational mechanisms in the area of counter-terrorism. The relevant national bodies were reviewing the Committee's findings and recommendations in order to submit proposals for implementation measures to the Government.

10. **Mr. Beras** (Dominican Republic), speaking on behalf of the Rio Group, said that the Group wished to reiterate its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes. Terrorism, one of the most serious threats to international peace and security, respected no boundaries, rules, ideologies or beliefs. Since it operated on a transnational level, no country had the means to combat it alone, and it must be dealt with through cooperation and coordination among States. The Rio Group reiterated its willingness to contribute actively to the implementation of the United Nations Global Counter-Terrorism Strategy, which promoted comprehensive, coordinated and consistent responses to terrorism and took into account the conditions conducive to the spread of terrorism.

11. To be successful and gather broad support from the international community, measures to combat terrorism must be conducted in strict observance of international law, in particular the Charter of the United Nations. States must refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and uphold the right to self-determination of peoples under colonial domination or foreign occupation, the sovereign equality of all States, the resolution of disputes by peaceful means, non-interference in the internal affairs of States and the fulfilment in good faith of the obligations assumed in accordance with the Charter. Acts of terrorism constituted violations of human rights and fundamental freedoms, including the right to life, liberty, security and freedom of movement, and hence must be strongly combated. But counter-terrorism measures that violated international law, particularly human rights law, humanitarian law or the law of refugees, were unjustifiable and unacceptable.

12. An effective counter-terrorism strategy must be holistic and include preventive measures. It must address the causes conducive to the spread of terrorism by promoting the eradication of hunger and poverty, sustained economic growth, sustainable development, democracy, human rights for all and the rule of law. It was imperative to reduce the social and economic divide among nations, promote intercultural understanding and ensure respect for all religions and culture. In that regard, the Rio Group welcomed two recent developments: the Group of Friends Ministerial Meeting, held on 26 September 2007 under the Alliance of Civilizations initiative and the High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace, held on 4 and 5 October 2007.

13. The Rio Group supported the invitation of the Secretary-General to Member States to make a special effort to try to conclude a comprehensive counter-terrorism convention in order to complement the legal framework already in force. The results of the eleventh session of the Ad Hoc Committee suggested that there was still a need to work cooperatively to reach consensus. The Group urged all Member States to continue negotiations to that end.

14. The Rio Group stressed that sanctions aimed at combating terrorism must be implemented in accordance with international law, due process and the rule of law, principles that must be respected by all United Nations bodies, including the Committees established pursuant to resolutions 1267 (1999) and 1373 (2001).

15. **Mr. Forshaw** (Australia), speaking on behalf of the CANZ group of countries (Australia, Canada and New Zealand), said that the CANZ group reaffirmed its strong condemnation of all acts of terrorism in all its forms and manifestations and recognized that terrorism continued to present a serious challenge to international peace and security. Targeting and deliberate killing through acts of terrorism could not be

justified or legitimized by any cause or grievance. Although counter-terrorism measures had significantly disrupted terrorist networks, there was no room for complacency, since terrorist groups had demonstrated a capacity for innovation and resilience. Events of the past year on the Pakistan/Afghanistan border and in Africa, the Middle East, Algeria and India showed that terrorism remained a very real menace; Germany and Denmark had been fortunate to have foiled attacks by Al-Qaida-linked groups, and there were still groups in South-East Asia with both the intent and the capability of undertaking terrorist bombings.

16. Member States must counter the stereotypes and misconceptions that terrorists sought to exploit and refute the claim that there were irreconcilable differences between religions and cultures. Interfaith and intercultural dialogue could contribute by reaching out to moderates and isolating extremists.

17. It was vital for the international community to be united in its unequivocal condemnation of terrorism. At the United Nations, Member States had an opportunity to set the global standard that terrorism could never be justified. The CANZ group urged States to conclude a comprehensive convention on international terrorism as soon as possible to supplement the 13 counter-terrorism instruments with universal application and provide a solid foundation for international cooperation in preventing, prosecuting and punishing terrorist acts. CANZ members hoped that the United Nations Global Counter-Terrorism Strategy would provide an impetus to Member States to adopt practical measures to facilitate counter-terrorism cooperation by way of extradition, prosecution, information flows and capacity-building. CANZ members were also concerned about the emerging threat of chemical, biological, radiological and nuclear terrorism and were working with other countries to respond to that threat, for example, through the International Atomic Energy Agency's Nuclear Security Plan. CANZ members welcomed the growing role of the United Nations Office on Drugs and Crime and the Counter-Terrorism Committee Executive Directorate in providing technical assistance at the regional and national levels and consulted closely with them.

18. The CANZ group continued to support strongly the counter-terrorism work of the Committees established by Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and called on all Member States to meet their obligations under those and other Security Council resolutions, including resolution 1624 (2005) on incitement to terrorism. Recognizing that those obligations placed a heavy burden on smaller developing countries, CANZ members assisted with capacity-building measures at the regional level.

19. New Zealand, for example, continued to convene the Pacific Island Forum Working Group on Counter-Terrorism and in May 2007 had hosted a high-level symposium on the Alliance of Civilizations and the third meeting of the Asia-Pacific Regional Interfaith Dialogue, co-sponsored by the Philippines, Indonesia and Australia. It used the Asia Security Fund, established in 2006, to contribute to wider regional efforts to address religious radicalization and expand counter-terrorism assistance.

20. Canada actively supported the efforts of partner countries to fight terrorism by providing training and assistance in South and South-East Asia and the Latin American and Caribbean region through its Counter-Terrorism Capacity-Building Program and in the area of the former Soviet Union through its Global Partnership Program. It was also reaching out to its diverse ethno-cultural and religious communities to ensure that they did not feel marginalized by counter-terrorism policies.

21. Australia was constantly assessing the terrorist threat and emerging trends in terrorist activity in its region and re-evaluating counter-terrorism strategies; it had committed over $450 million to counter-terrorism cooperation in the region since 2002. In March 2007 it had co-hosted with Indonesia a subregional ministerial conference to advance cooperation in counter-terrorism, which had produced a substantial programme of follow-up activities.

22. **Mr. Zinsou** (Benin), speaking on behalf of the Group of African States, said that the African States strongly and unequivocally condemned terrorism in all its forms and manifestations, wherever and by whomsoever committed, including State terrorism. All nations, whether or not they were affected directly by terrorist acts, had a common interest in adopting a preventive approach. The adoption of the 1999 Organization of African Unity Convention on the Prevention and Combating of Terrorism and the establishment in Algiers of the African Centre for the Study and Research on Terrorism (ACSRT) had

demonstrated the African States' commitment to addressing the problem of terrorism.

23. Inter-State cooperation in the apprehension of terrorists and the prevention and investigation of terrorist acts should be further strengthened. He welcomed the Trans-Sahara Counter-Terrorism Initiative that had been developed by ACSRT and the United States, as well as the Madrid Declaration and Plan of Action on strengthening the legal regime against terrorism in West and Central Africa.

24. The African States were endeavouring to meet their international counter-terrorism obligations under the relevant international instruments and Security Council resolutions, but many of them were hampered by inadequate resources and capacities. He appealed to the international community to provide adequate support for their efforts.

25. He welcomed the progress made in drafting a comprehensive convention on international terrorism and suggested that the definitions of terrorism contained in regional instruments might be of use to the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. The new instrument should in no way deny the right of peoples to self-determination and should make a clear distinction between terrorism and the legitimate struggle of peoples under colonial or alien domination and foreign occupation for self-determination and national liberation, as recognized in many General Assembly resolutions, including resolution 46/51; the struggle of national liberation movements did not constitute terrorism. The proposal to convene a high-level conference under United Nations auspices in order to formulate an international response to terrorism in all its forms and manifestations should be given serious consideration.

26. **Mr. Madureira** (Portugal), speaking on behalf of the European Union; the stabilization and association process countries, Albania, Montenegro and Serbia; and, in addition, Armenia, Georgia, Moldova, Norway and Ukraine, stressed that acts of terrorism were unjustifiable, regardless of their motivation; terrorists had no respect for national boundaries or human rights and did not speak for any one culture or religion. The United Nations was the only truly global forum for countering terrorism and had a key role to play in mobilizing the international community. All counter-terrorism measures should be taken in accordance with international law, in particular human rights law, refugee law and humanitarian law.

27. The European Union was committed to implementing the United Nations Global Counter-Terrorism Strategy in cooperation with all Member States. It recognized the important work of the Counter-Terrorism Implementation Task Force, which should be further consolidated through the provision of resources under the regular budget of the Organization. The question of whether to convene a high-level United Nations conference on counter-terrorism should be deferred until agreement on the draft comprehensive convention was reached; he trusted that delegations would be as committed to finalizing that instrument as they had been in the case of the International Convention for the Suppression of Acts of Nuclear Terrorism.

28. He urged Member States to become parties to and implement all the international counter-terrorism instruments and commended the United Nations Office on Drugs and Crime Terrorism Prevention Branch for their work in delivering technical assistance to States in relevant areas. The European Union would continue to support and cooperate with the Security Council Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and recognized that many States continued to require assistance in implementing those resolutions as well.

29. Only through a culture of dialogue could the tensions, prejudices and, above all, ignorance on which terrorism fed be overcome. The European identity was a multiple one that reflected manifold, pluralist influences. The European Union would continue its efforts to strengthen dialogue and promote mutual understanding between cultures and civilizations and welcomed the work of the Euro-Mediterranean Partnership, initiatives such as the Alliance of Civilizations and interfaith dialogue, and the efforts of the United Nations Educational, Scientific and Cultural Organization in that area.

30. **Mr. Malmierca Díaz** (Cuba), speaking on behalf of the Non-Aligned Movement, said that criminal acts intended to provoke a state of terror in the general public, a group of persons or a particular person were unjustifiable under any circumstances. Terrorist acts were the most flagrant violations of international law, including international humanitarian and human rights law. They endangered the territorial integrity and

stability of States and had adverse economic and social consequences. The Non-Aligned Movement rejected terrorism in all its forms and manifestations; in particular, those in which States were directly or indirectly involved were unjustifiable, whatever considerations or factors might be invoked to justify them. He reaffirmed the Movement's support for General Assembly resolution 46/51 and other relevant resolutions on the legitimacy of the struggle for national liberation and self-determination of peoples under colonial or alien domination and foreign occupation and called for a definition that differentiated terrorism from that struggle. Terrorism could not be associated with any religion, nationality, civilization or ethnic group, and those attributes should not be used to justify counter-terrorism measures such as profiling and invasion of privacy.

31. The Movement urged all States, in combating terrorism, to fulfil their obligations under international law and international humanitarian law, including by prosecuting or extraditing the perpetrators of terrorist acts; preventing the organization, instigation or financing of such acts directed against other States from within or outside their territories or by organizations based therein; refraining from organizing, instigating, assisting, financing or participating in terrorist acts in the territories of other States; refraining from encouraging activities within their territories directed towards the commission of such acts; refraining from allowing the use of their territories for planning, training or financing such acts; and refraining from supplying arms or other weapons that could be used for terrorist acts in other States.

32. The Movement also demanded that all States refrain from providing political, diplomatic, moral or material support for terrorism. It urged all States to ensure that refugee status and other forms of legal status were not abused by terrorists and that terrorists' claims of political motivation were not recognized as grounds for refusing requests for their extradition. It reiterated its call for the convening of an international summit conference under United Nations auspices in order to formulate a joint response to terrorism in all its forms and manifestations, including identification of its root causes.

33. He encouraged States which had not yet done so to consider becoming parties to all the international counter-terrorism instruments, reiterated the need for a comprehensive convention on international terrorism and called on States to cooperate in resolving the outstanding issues. States should also implement the Global Counter-Terrorism Strategy.

34. The Movement rejected as violations of international law and the Charter of the United Nations any actions and measures, particularly the use or threat of use of force, directed against any of its members by the armed forces of any other State under the pretext of combating terrorism or in pursuit of political aims, including by categorizing them directly or indirectly as sponsors of terrorism. It called on the Security Council sanctions committees to streamline their listing and delisting procedures to address concerns regarding due process and transparency.

35. The relevant United Nations bodies should strengthen national, regional and international efforts to implement the international counter-terrorism instruments and related United Nations resolutions, provided that such efforts were consistent with the Charter, international law and the instruments in question. Lastly, he called on Member States to amend their domestic law in order to criminalize all terrorist acts, as well as support for and financing and instigation of such acts.

36. **Mr. Charles** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the States members of the Community deeply regretted the failure of international efforts thus far to conclude a comprehensive convention that would prevent and punish terrorism in all its forms and manifestations without violating the fundamental inalienable right to self-determination of peoples under colonial and alien domination or foreign occupation. Multilateral negotiation was the only legitimate means of ensuring that all Member States participated as sovereign equals in that process; he called on delegations to resolve their differences in a spirit of compromise in order to bring the matter to a successful conclusion at the earliest opportunity.

37. The CARICOM States were in large measure parties to the various counter-terrorism instruments and, in some cases, had enacted implementing legislation. They also sought to implement Security Council resolutions 1373 (2001) and 1540 (2004) and to meet their reporting obligations, despite their burdensome nature. He stressed the need for cooperation among States in the gathering and sharing

of intelligence and the extradition of persons accused of terrorist acts.

38. Some 30 years previously, the CARICOM region had suffered from a terrorist act that had resulted in the loss of many young lives; the alleged perpetrator had yet to face justice. He therefore urged that terrorism should be categorized as one of the most serious crimes of concern to the international community and that its perpetrators should be prosecuted in the same manner as those accused of other heinous crimes such as genocide, war crimes and crimes against humanity. States should give serious consideration to amending the Rome Statute of the International Criminal Court, as envisaged in resolution E of the Final Act of the 1988 Rome Conference, in order to include terrorism in the list of crimes within the jurisdiction of the Court once a definition was adopted.

39. **Mr. Aslov** (Tajikistan), speaking on behalf of the Shanghai Cooperation Organization (SCO) (China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan), said that SCO members held terrorism to be one of the most serious threats facing the international community and wished to reaffirm their condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes. At a time when terrorists could deploy plentiful financial resources and advanced technologies and could take advantage of unresolved conflicts, collective mechanisms of international cooperation and global counter-terrorism systems were necessary in order to combat them. Such systems could only be effective if they were established under the auspices of the United Nations and operated in strict compliance with its Charter. In that regard, it was important to strengthen the central, coordinating role of the United Nations, exercised through both the Security Council and the General Assembly.

40. SCO members believed that efforts to fight terrorism must be consistent, free of double standards and in keeping with international law, and they opposed any attempt to associate terrorism with any religion, civilization or ethnic group. Effective results could only be obtained by combining preventive measures with enforcement measures. Terrorists should be deprived of their ideological underpinning through efforts to strengthen legal and institutional frameworks and eradicate the conditions conducive to the spread of terrorism. SCO laid great stress on cooperation between the State and civil society, including non-governmental organizations, the media and the private sector.

41. From its inception SCO had made it a priority to strengthen security mechanisms against the new threats. Its fundamental document in that regard was the Shanghai Convention on Combating Terrorism, Separatism and Extremism, signed in 2001. On the basis of that Convention, the Regional Anti-Terrorist Structure had been established and had become operational as a centre for information-sharing, analysis and coordination among SCO members in the fight against terrorism. SCO members had also conducted joint anti-terrorism exercises for their armed forces, most recently in August 2007, to enhance capability for a coordinated response to a terrorist threat in the region. Currently SCO members were implementing their 2007-2009 programme of cooperation in combating terrorism, separatism and extremism and planned to expand it to include measures to combat the financing of terrorism, money-laundering and drug trafficking, a major source of funds for terrorism. SCO was seeking to expand cooperation and share experience with other regional organizations such as the Collective Security Treaty Organization and the Anti-Terrorist Centre of the Commonwealth of Independent States, and it welcomed the willingness of the Association of Southeast Asian Nations to foster a closer partnership. SCO was also seeking closer ties with the United Nations counter-terrorism bodies.

42. Another area of concern to SCO members was incitement to terrorism and the spread of the ideologies of terrorism and extremism, particularly through the use of modern technologies. At the most recent SCO summit in 2006, a plan had been developed to enhance information security, including measures against the use of modern information and communications technology for terrorist purposes. Modern technology should be able to bring cultures and civilizations together, rather than contributing to their alienation.

43. The adoption of the United Nations Global Counter-Terrorism Strategy by the General Assembly had created the conditions for greater international cooperation in the fight against terrorism. One of the top priorities in that regard was to make progress in the drafting of a comprehensive convention on international terrorism, and his delegation stood ready to help advance that work.

44. **Mr. Amil** (Pakistan), speaking on behalf of the members of the Organization of the Islamic Conference (OIC), said that they strongly condemned all acts of terrorism, irrespective of its motivation, objectives and forms, and were convinced that it could never be justified. In that connection he drew attention to the resolution on combating international terrorism adopted at the thirty-fourth session of the Islamic Conference of Foreign Ministers, and to the Joint Communiqué of the second Annual Coordination Meeting of the OIC Ministers of Foreign Affairs, held in New York on 2 October 2007. Terrorism should not be associated with any religion, race, values, culture or group; and in a globalized world, there was a greater need than ever before to build bridges among cultures and peoples. That could be done through initiatives such as Dialogue Among Civilizations.

45. Only through a coordinated approach, such as the United Nations Global Counter-Terrorism Strategy, would the international community be able to combat terrorism effectively. The Strategy addressed the root causes of terrorism, which included foreign occupation, festering international disputes, denial of the right to self-determination, political and economic injustices, and political marginalization and alienation.

46. The OIC members reiterated their call for a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism in all its forms and to agree upon a definition of terrorism. It also reiterated its support for the decision taken at the Counter-Terrorism International Conference, held in Riyadh in February 2005, to establish an international counter-terrorism centre, as well as for efforts to develop an international counter-terrorism code of conduct.

47. The OIC members reaffirmed their determination to make every effort to reach an agreement on and finalize the draft comprehensive convention on international terrorism by attempting, inter alia, to resolve the outstanding issues related to the legal definition of terrorism, particularly the distinction between terrorism and the struggle of peoples for self-determination and against foreign occupation.

48. **Mr. Barriga** (Liechtenstein) said his country strongly condemned all terrorist acts and was committed to contributing fully to international efforts to combat terrorism. While commending the adoption of the United Nations Global Counter-Terrorism Strategy, he felt that the Sixth Committee should not duplicate the plenary process and should focus on its main outstanding task, namely the conclusion of the negotiations on the draft comprehensive convention on international terrorism.

49. Liechtenstein considered that the proposal submitted by the coordinator of the eleventh session of the Ad Hoc Committee was a viable basis for compromise and should be taken very seriously. It was necessary to address the substance of the outstanding issues, which mostly concerned article 18 of the draft convention. Other provisions of the convention should nonetheless be taken into consideration when interpreting any proposals related to article 18. It was also important to look at the wider framework of international conventions in that area which had a bearing on the significance and interpretation of the draft convention.

50. The convention would not provide a final overarching legal definition of terrorism and add little in terms of scope to existing conventions in the area. It would mainly fill the gaps between existing conventions and be relevant in cases relating to States which were not parties to an otherwise applicable sectoral convention, but parties to the comprehensive convention.

51. Furthermore, the convention would not affect the right to self-determination and should not make a distinction between terrorism and that right, since that would be very easy to misunderstand. Draft article 18, paragraph 1, stated clearly that nothing in the convention "shall affect other rights, obligations and responsibilities of States, peoples and individuals under international law". Even in the exercise of the right to self-determination, however, all actors should still abide by the rules governing such action, in particular humanitarian law.

52. His delegation supported efforts to clarify the relationship between the draft convention and international humanitarian law, based on the conviction that the convention should not interfere with the rules of armed conflict by criminalizing conduct otherwise not prohibited under that law. That was clearly within the spirit of the current draft text, as evidenced in article 2, which stated that only acts committed "unlawfully" could qualify as a terrorist offence.

53. Two clarifications were necessary in that respect. First, excluding combatants in an armed conflict from the application of the convention at the international level was without prejudice to their status under domestic law; they could still be prosecuted under national criminal law. Second, permitting acts that were "lawful" under the rules of armed conflict did not imply that future States parties to the convention would be able to import through the back door standards of international humanitarian law by which they had not previously been bound. All references in the draft convention were to applicable rules of international humanitarian law.

54. The draft convention did not explicitly address the concept of State terrorism, but did not exclude it. For instance, draft article 2 brought within its scope those who participated as accomplices, or who organized or directed terrorist offences, thereby leaving much room for acts committed by State agents. Lastly, the draft convention could more accurately be described as "general" rather than "comprehensive", reflecting the fact that its scope under article 2 was defined in more general terms than in existing sectoral conventions.

55. **Ms. Bichet-Anthamatten** (Switzerland) reiterated her country's strong condemnation of terrorism in all its forms and said that combating terrorism remained a high priority for Switzerland.

56. One year before, Member States had pledged to implement the Plan of Action of the United Nations Global Counter-Terrorism Strategy and the time had come to take stock of the situation. Currently it would seem that specific measures were necessary and expected from Member States to put those commitments into practice. It would be desirable to take the opportunity to strengthen the role of the General Assembly, as the body endowed with universal legitimacy in normative matters, in the fight against terrorism. Switzerland was willing to make a commitment in that respect.

57. Switzerland regretted that, despite constructive proposals, work on the negotiation of a comprehensive convention had made little progress. The finalization of that text remained the main task outstanding from the 2005 World Summit Outcome. She urged Member States to participate actively and constructively in the negotiation process and said that her country was willing to consider seriously any proposal regarding draft article 18 based on the text of the coordinator of the eleventh session of the Ad Hoc Committee, provided that the integrity of humanitarian law was respected.

58. Believing that increased respect for human rights and the rule of law would enhance the legitimacy of anti-terrorist measures, Switzerland welcomed the adoption of Security Council resolutions 1730 (2006) and 1735 (2006) which sought to establish fairer procedures for listing and de-listing by United Nations sanctions committees, and particularly welcomed the creation of a focal point to receive de-listing requests. It nevertheless thought that further measures were needed to guarantee the fundamental principles of the rule of law.

59. **Mr. Rogachev** (Russian Federation) said that the United Nations Global Counter-Terrorism Strategy was comprehensive, consensus-based and innovative. It facilitated the building of multilateral anti-terrorist international cooperation under the auspices of the United Nations. The review of the implementation of the Strategy scheduled for later in the year should allow a focus on important implementation issues such as how to establish clear and balanced implementation mechanisms.

60. Special efforts were needed from all States, with the support of the Counter-Terrorism Implementation Task Force. The Russian Federation's experience with the G-8 initiative for public-private partnerships to counter terrorism had been positive. Political and organizational frameworks had already been established for that purpose and it was time for concrete projects. The initiative was achieving satisfactory results, with increasing adherence from the Russian Federation, foreign partners.

61. The Security Council and in particular its Counter-Terrorism Committee, established to monitor the implementation of resolution 1373 (2001), could make a significant contribution to the implementation of the Strategy. According to the Strategy, States should comply with the provisions of that resolution, including by introducing anti-terrorist legislation, adopting measures to prevent the financing of terrorism and participating in universal international conventions to counter terrorism. He also recalled the provisions of Security Council resolution 1624 (2005) aimed, among other things, at countering incitement to commit terrorist acts.

62. One of the main provisions of the Strategy concerned regional and subregional anti-terrorist efforts made by international organizations. The United Nations should play a central and coordinating role in such efforts. In that connection he noted the active anti-terrorist efforts of such organizations as the Commonwealth of Independent States, the Shanghai Cooperation Organization, the Collective Security Treaty Organization and the Eurasian Group on Combating Money-Laundering and the Financing of Terrorism. The Russian Federation, in cooperation with other members of those organizations, would support and continue those efforts.

63. He assumed that the General Assembly would give special attention to strengthening the international legal basis of the fight against terrorism, including supporting universal adherence to the various international anti-terrorism treaties.

64. On 19 September 2007 the Russian Federation had deposited with the International Civil Aviation Organization its instrument of ratification of the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection. That Convention was the last of the aforementioned treaties to be ratified by his country, thus confirming the latter's readiness to fulfil all of its commitments under those instruments.

65. In July 2007 the International Convention for the Suppression of Acts of Nuclear Terrorism had come into force. That instrument had been prepared in the context of the General Assembly on his country's initiative. The Russian Federation would fulfil the provisions of the Convention in good faith and would make every effort to encourage other States to become parties and to implement its provisions.

66. Implementation of the Global Initiative to Combat Nuclear Terrorism had begun, with a view to mobilizing national and international efforts of States in that area. The number of participating States was growing steadily and already exceeded 60. His country would continue its efforts to implement the Initiative and do everything possible to prevent terrorists from obtaining weapons of mass destruction.

67. One of the key tasks of the General Assembly was still the rapid conclusion of a universal convention on international terrorism. The establishment of a universal definition of terrorism would help to establish a legal basis for anti-terrorism cooperation. His country would cooperate fully with all States and groups of States in seeking compromise solutions to unresolved formulations in the draft.

68. The Russian Federation reconfirmed its determination to actively oppose the global terrorist threat by increasing the systemic joint efforts of States, international organizations and civil society in the struggle against that evil.

69. **Ms. Negm** (Egypt) said that her delegation reiterated its condemnation of terrorism in all its forms and manifestations regardless of its motivations or objectives. It also emphasized the importance of not associating terrorism with any specific religion or culture as that entailed injustice and instigated malice and hatred. Furthermore, it was important that States should respect human rights in their efforts to combat terrorism.

70. There was an urgent need to address the root causes of terrorism and eradicate the many political, economic and security factors that nourished it, such as unresolved conflicts, double standards in implementing international legitimacy and foreign occupation. Believing that a distinction should be drawn between terrorist acts and the legitimate struggle of peoples for self-determination in accordance with international humanitarian law, and that acts committed by States against innocent civilians with a view to terrorizing them should be criminalized. His delegation stressed the need to finalize negotiations on the draft comprehensive convention, especially with respect to article 18. It underlined the importance of holding a high-level conference under the auspices of the United Nations to agree upon a definition of terrorism, speeding up the conclusion of the convention.

71. The General Assembly played a vital role in the fight against terrorism, and it was therefore appropriate that the implementation of the United Nations Global Counter-Terrorism Strategy should be reviewed by that body, rather than by the limited number of States which were members of the Security Council. His delegation would exert all its efforts to conclude negotiations on the draft comprehensive convention so as to reinforce the supremacy of international legitimacy and strengthen the role of the United Nations in establishing international peace and security.

72. **Mr. Pramudwinai** (Thailand) said that his country had long recognized terrorism as being one of the most serious threats to national and international peace and security. It had always condemned terrorism

in all its forms and manifestations and had become a party to nine of the United Nations anti-terrorism conventions and protocols, the most recent being the International Convention against the Taking of Hostages.

73. Turning to the negotiations on the draft comprehensive convention, he stressed that any counter-terrorism measures taken against an individual should be based on fair treatment and respect for that individual's rights in accordance with national law and international human rights law. The draft convention should also be used as a legal framework to strengthen cooperation under the Global Counter-Terrorism Strategy. In order to avoid duplication of work among United Nations bodies, the current monitoring and supervisory mechanisms assigned to the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime should be streamlined and incorporated into the draft convention.

74. Thailand had signed the ASEAN Convention on Counter-Terrorism and hoped to ratify it in 2007. It would welcome the sharing between regions of experience regarding lessons learned and best practices in the area of counter-terrorism.

75. **Mr. Al Ateeqi** (Kuwait) said that his country condemned terrorism in all its forms and manifestations, regardless of its motives, and believed it was inadmissible to link terrorism to any religion, nationality or ethnic group. It therefore stressed the need to respect human rights, international law, and international human rights law when combating terrorism. It confirmed its support for the United Nations Global Counter-Terrorism Strategy and its Plan of Action, as well as the importance of conducting regular reviews of the Strategy.

76. He urged the international community to speed up its work with a view to finalizing the draft comprehensive convention and adopting a legal definition of terrorism, and emphasized the importance of not confounding terrorism with the right of peoples to self-determination and freedom from foreign occupation.

77. In an attempt to spread the moderate message of Islam, based on respect for cultural and religious pluralism and rejection of extremism and terrorism, Kuwait had established the International Moderation Centre in 2006. It had also, in the same year, organized the first and second international conferences on moderation in London and Washington, respectively. On 30 July 2007, it had acceded to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

78. Kuwait had been one of the first countries in the Arab world to implement mechanisms and banking measures to combat money-laundering and had established a special committee for that purpose under a Ministerial Resolution of 1998. Furthermore, it had implemented all international standards and obligations set by the World Bank concerning measures to combat money-laundering and the financing of terrorism.

79. **Mr. Hannesson** (Iceland) said that terrorism, a serious threat to peace, security, development and human rights, affected all States, small or large, most often targeting innocent civilians. A crime against the human values that the United Nations upheld, it could never be justified under any circumstances, no matter what its motive or objectives. Iceland unequivocally condemned terrorism in all its forms and manifestations.

80. Iceland welcomed the United Nations Global Counter-Terrorism Strategy as a global response to a global problem. Its implementation should remain a priority for all States. Coordination and information were vital to its effectiveness and the Counter-Terrorism Online Handbook was a helpful tool to that end. The work of the United Nations Counter-Terrorism Implementation Task Force was also to be commended.

81. The various international conventions and protocols and regional conventions on the issue were important tools but, to make them effective, all nations must become parties. Iceland, a party to all the universal legal instruments to prevent terrorist acts and to the European Convention on the Suppression of Terrorism, welcomed the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005. Although consensus had not yet been reached on the draft comprehensive convention on international terrorism and the convening of a high-level conference, Iceland remained confident that progress would be made in the near future. Iceland likewise looked forward to closer

cooperation in the future with the Security Council and its subsidiary bodies assisting in anti-terrorism work, including the Security Council Counter-Terrorism Committee.

82. Counter-terrorism efforts were crucial for the protection of peace and security, but it was equally important that they be based on the rule of law and respect for human rights, as only measures respecting the fundamental principles of the United Nations, including humanitarian law and refugee law, were acceptable. Iceland remained dedicated to the efforts by the United Nations to create a more secure world without the threat of terrorism.

83. **Mr. Saw Hla Min** (Myanmar) reiterated Myanmar's condemnation of international terrorism in all its forms and manifestations and its firm belief that terrorism should not be linked to religion, race, culture or ethnic origin. It was a multifaceted global menace requiring a concerted global response. In the fight against terrorism, Myanmar adhered strictly to all relevant resolutions and declarations adopted by the United Nations General Assembly and Security Council, was a party to 11 counter-terrorism conventions adopted under United Nations auspices, and was striving to ensure that its domestic law fully complied with its international obligations. A comprehensive anti-terrorism law was being drafted by legal experts to more effectively meet the challenge. Building and strengthening cooperation among law enforcement agencies was vital. Myanmar took an active part in regional and subregional initiatives, having recently signed the Association of Southeast Asian Nations Convention on Counter-Terrorism. In combating terrorist financing, the Myanmar police force exchanged information with the International Criminal Police Organization, the Association of Southeast Asian Nations police forces and other relevant law enforcement agencies.

84. It was clear that without addressing the root causes of terrorism, anti-terrorism efforts would not have a lasting effect. Dialogue between faiths and civilizations would create an atmosphere conducive to better understanding among religions.

85. An early conclusion of the comprehensive convention on international terrorism would buttress the existing legal framework. An international summit conference on terrorism under United Nations auspices would provide a good opportunity to fill existing gaps. Myanmar remained committed to fighting international terrorism hand in hand with global, regional and subregional partners.

86. **Mr. İlkin** (Turkey) said that terrorism was a crime against humanity which could not be justified under any reason or pretext. No consideration whatsoever could be invoked to justify terrorist acts, nor was there room for selective approaches bordering on double standards. Regardless of motivation, all terrorist acts, methods and practices should be unconditionally condemned. Given the gravity of the situation, words of resolve no longer sufficed; it was high time for the international community to take a firm stance and translate its commitments into action. If countries began differentiating between terrorist acts targeting them and those targeting others, or between military and civilian casualties, sooner or later they would fall prey to the scourge of terrorism. It was understood that success called for an understanding of the conditions conducive to terrorism, but that should not lead to passive observation. After years of suffering at the hands of indiscriminate terrorism worldwide, a consensus on how to proceed still eluded the international community, which was prey to hesitations and indecisiveness. Whatever the reasons, the beneficiaries were the terrorists, who felt further vindicated and encouraged.

87. The United Nations Global Counter-Terrorism Strategy had provided a strong basis for action. The international community should be true to its letter and spirit and cooperate closely in the fight against terrorism. It was within its reach to implement the measures contained in the Strategy and various other related documents, given the political will.

88. Those who intentionally or unintentionally provided safe haven to terrorists in their countries should desist immediately. Those who did not prosecute or extradite terrorists should start doing so at once. And those who allowed terrorists to continue the dissemination of political propaganda and incitement to violence in their countries should not allow freedoms to be turned into weapons in terrorist hands.

89. Within the previous two days, Turkey had lost 15 more victims to terrorism. Words failed to express the depth of anguish and outrage the Turkish people felt. Other countries which were going through or had gone through similar bitter experiences would surely agree that the only way to allay such pain was through a

genuine display of commitment by the international community to resolutely combat and eradicate terrorism. The success of the Committee's work would be gauged not by the number of resolutions it produced but by how effectively the international community could act to eradicate the threat of terrorism. Turkey would do everything in its power to that end.

90. **Mr. Alabas Ibrahim Hamad Al-Harthy** (Oman) said that his country had taken many steps to implement Security Council resolution 1373 (2001), including the establishment of a national counter-terrorism committee and accession to 10 of the international conventions on terrorism.

91. Completing a comprehensive convention on international terrorism required a precise definition of the phenomenon and knowledge of the causes that led terrorist groups to commit terrorist acts, because relating terrorism to a specific religion, race or belief could only engender hatred and violence among different cultures and religions.

92. His country was in favour of the convening of a high-level meeting of the General Assembly on terrorism. It also supported the proposal of the Servant of the two Holy Places, King Abdullah bin Abd al-Aziz Al Saud of the Kingdom of Saudi Arabia, concerning the establishment of an international counter-terrorism centre under United Nations auspices.

93. His Government renewed its support for all international efforts and measures to combat terrorism in keeping with the rules of international law, the principle of national sovereignty and the need to distinguish between terrorism and legitimate resistance to foreign occupation, with a view to the realization of the principles of international justice.

94. **Mr. Alhaidan** (Bahrain) said that eradicating terrorism required greater efforts on the part of the international community, including efforts to ascertain and deal with its root causes. Bahrain commended and supported the United Nations Global Counter-Terrorism Strategy and fully backed the Secretary-General's report on measures to eliminate international terrorism (A/62/160). It welcomed the entry into force, in July 2007, of the International Convention for the Suppression of Acts of Nuclear Terrorism.

95. Inasmuch as terrorism was not connected with any particular religion, culture or race, Bahrain was opposed to any attempt to relate it to Islam, a religion founded on moderation. The common striving for peace, prosperity and justice required a belief in the unity of human destiny and understanding of the fact that international security depended on a common effort to ensure regional security and respect for international legitimacy. Existing dangers, whether they involved terrorism, nuclear proliferation or regional wars and conflicts, must be dealt with on the basis of the purposes and principles embodied in the Charter of the United Nations and the instruments and resolutions adopted by the General Assembly, including the Millennium Declaration.

96. Bahrain had become a party to 11 of the international conventions on terrorism, had ratified the Arab Convention on the Suppression of Terrorism and had acceded to the Convention of the Organization of the Islamic Conference on Combating International Terrorism. It also continued to coordinate its efforts with the members of the Gulf Cooperation Council (GCC) within the framework of the GCC Counter-Terrorism Agreement signed in May 2004.

97. Bahrain stressed once again the need for international cooperation with a view to adopting a comprehensive counter-terrorism convention during the current session. That meant resolving all the related pending issues, including the definition of terrorism and the distinction between terrorism and the struggle of peoples for independence and self-determination in accordance with the principles of international law.

98. **Mr. Gouider** (Libyan Arab Jamahiriya) said that the elimination of terrorism was a matter of vital interest to his country, which had itself been the victim of terrorism. The differences that existed among nations on terrorism were not about the need to eliminate it but about the proper means to that end. His country had taken strong positions against terrorist crimes, including both State terrorism and the terrorist crimes witnessed by the host city of the United Nations. But counter-terrorism efforts had fallen short of their goals. What was needed was a unified and comprehensive approach to the concept of terrorism. His country supported the efforts to draft a comprehensive counter-terrorism convention and to convene an international conference on terrorism. It hoped that such efforts would result in an objective definition of terrorism that distinguished it from the right to struggle against foreign occupation, so that that struggle could no longer be labelled "terrorist" for political purposes. In particular, it hoped that balance

could be achieved in article 18 of the draft convention, which should not ignore the activities of armed forces.

99. **Ms. Blum** (Colombia) said that the United Nations Global Counter-Terrorism Strategy gave the international system a comprehensive perspective in the fight against the scourge of terrorism and defined an approach to strengthening international cooperation in the joint fight needed to confront the various manifestations of terrorism and the resources fuelling it. A year after the adoption of General Assembly resolution 60/288 (2006), there was a need to revitalize the will that had led to the formulation of that document. Terrorist organizations were extending their lethal reach, bent on intimidating public opinion by recurrent threats and acts that took a heavy toll in lives. The international community could not slacken in its effort to banish terrorism, for insofar as citizens and institutions felt threatened, progress made in various areas was exposed and vulnerable.

100. Given the comprehensive nature of the United Nations Global Counter-Terrorism Strategy and Plan of Action, suppressing the sources of financing used by terrorist organizations required concrete, effective measures. It was urgent to criminalize under national law acts which constituted terrorist financing or asset-laundering, applying severe sentences of imprisonment and financial penalties such as seizure and forfeiture; to establish national regulatory and oversight machinery for banks and other financial entities; to establish national and multilateral regimes for detection and monitoring of transactions and other cross-border movements of cash and securities; to strengthen international cooperation for rapid exchange of information nationally and multilaterally; and to establish national financial intelligence units to prevent and contain asset-laundering.

101. To avoid duplication of efforts, the Organization, its Member States and regional or subregional organizations should foster coordination and exchange of information with a view to using existing resources efficiently, especially with regard to: strengthening international cooperation aimed at improved border control and customs measures to detect and prevent terrorist activity; more effective regional and subregional communications systems among police forces and intelligence services, in order to prevent terrorist attacks and contain illicit arms trafficking and related activities; and effective suppression of the global problem of drugs and related crimes, based on the principle of shared responsibility, bearing in mind that the drug trade was a major source of terrorist financing.

102. With regard to judicial cooperation, common protocols should be adopted for the collection, preparation, preservation, transfer and use of evidence in terrorism investigations and prosecutions. Immediate attention should be given to protection and rehabilitation programmes for victims of terrorism. The General Assembly should also consider creating practical means to extend assistance to victims, such as transfer or technology and equipment for physical and psychological rehabilitation.

103. Even prior to the adoption of the Strategy, Colombia had pursued comprehensive action aimed at eradicating from its territory a scourge that had seriously threatened its institutions. Its Democratic Defence and Security Policy had made the country safer and fostered economic growth, in which foreign investment played an important role. The number of killings, abductions and attacks on infrastructure had fallen markedly. Colombia would persist in its efforts with the international community to create a world free of the threat of terrorism.

104. **Mr. Kapambwe** (Zambia) said that his country unequivocally condemned terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as one of the most serious threats to international peace and security. Zambia reaffirmed the 2005 World Summit Outcome as it related to terrorism and was working to accede to all anti-terrorism international instruments. The Anti-Terrorism Act enacted by the Zambian Parliament in August 2007 would be used in the fight at the national level. With the impetus gained from the United Nations Global Counter-Terrorism Strategy, his delegation was confident that Member States would soon reach agreement on a comprehensive convention. However, it was necessary to accommodate divergent views and reach a compromise. Given unity of purpose, the few differences remaining should be overcome.

105. The legal definition of terrorism should take into account the legitimate struggles of peoples for self-determination, freedom and independence in conformity with the Charter of the United Nations, international law and human rights. As set out in the United Nations Global Counter-Terrorism Strategy, strengthening national capacity, especially in

developing countries, to enable them to participate effectively in fighting terrorism, was a crucial requirement.

106. The proposed high-level conference under United Nations auspices should formulate a jointly organized response by the international community to terrorism in all its forms and manifestations. Zambia called for flexibility and understanding in the negotiations so that progress could be made and a clear message sent to deter perpetrators of terrorism.

107. **Mr. Kim** Hyun Chong (Republic of Korea) said that his country condemned terrorism in all its forms and manifestations, wherever and by whomever committed, without any qualification. His delegation saw the historic adoption of the United Nations Global Counter-Terrorism Strategy as a testament that all Member States would confront terrorism head-on. The Strategy was an effective approach addressing all aspects of the issue, notably denying terrorists access to financing and to weapons, especially weapons of mass destruction. Equally important was promoting quality education and tolerance and defending human rights, goals for which the Strategy emphasized capacity-building and facilitation of public-private cooperation. Long-term success required addressing the conditions which fuelled terrorism.

108. It was urgent to adopt a comprehensive convention on international terrorism as soon as possible by working together to overcome remaining differences, without losing momentum. All Member States should apply the same spirit of flexibility and compromise that had led to the adoption of the Strategy. The aim was to build a seamless network of international cooperation to facilitate the prevention of acts of international terrorism and to punish perpetrators. The comprehensive convention should fill the gaps left by existing sectoral anti-terrorism conventions.

109. Many of the most dangerous terrorists operated through protean, ever-shifting clandestine networks exploiting globalization to commit their heinous crimes. Against that enemy, only a comprehensive, holistic approach could be effective. Member States, the General Assembly, the Secretariat and the Security Council all had specific expertise and capacities to contribute to the universal fight against terrorism. The Assembly had taken the lead by creating international norms and fostering solidarity, but Member States should play the biggest role by complying with international agreements to prevent and punish terrorism and building a seamless network to that end. The Secretariat was to be commended for launching the invaluable United Nations Counter-Terrorism Online Handbook, which provided current, relevant information for Member States that was essential to ensuring overall coordination.

110. The Republic of Korea was a State party to 12 counter-terrorism conventions and protocols and had been faithfully carrying out their domestic implementation. It would soon complete ratification procedures for the International Convention for the Suppression of Acts of Nuclear Terrorism. States which had not yet done so should join the network of anti-terrorism instruments as soon as possible. His country supported the role of the Security Council and had submitted five reports on its counter-terrorism measures to the Counter-Terrorism Committee and two reports to the Committee established pursuant to Security Council resolution 1540. His country supported the Association of Southeast Asian Nations Regional Forum's contribution to capacity-building in the Asia-Pacific region and had signed the Republic of Korea-Association of Southeast Asian Nations Joint Declaration for Cooperation to Combat International Terrorism of July, 2005. It would host the 4th Association of Southeast Asian Nations Regional Forum Seminar on Cyber-Terrorism and was Chair of the Asia-Pacific Economic Cooperation Counter-Terrorism Task Force for the 2007-2008 term.

111. Terrorism threatened all societies and the values of the international community: the rule of law, respect for human rights, protection of civilians and the peaceful resolution of conflicts. The moral authority of the international community depended on its fundamental respect for the rights so callously disregarded by terrorists. Sacrificing core values would be self-defeating, benefiting only those who sought to justify terrorism. Dealing with terrorism was extremely challenging and complex, as it affected all nations and all shared the responsibility for working to prevent it, but the international community was equal to the task.

The meeting rose at 6.03 p.m.